

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PATRICIA WILLIAMS,

Plaintiff,

v.

WISCONSIN DEPT OF WORKFORCE DEVELOPMENT,

Defendant.  
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ORDER

13-cv-794-bbc

On April 17, 2015, the clerk of court entered judgment in favor of defendant Wisconsin Department of Workforce Development after I granted summary judgment to defendant. Now plaintiff has filed a notice of appeal and motion for extension of time. Because plaintiff has not paid the \$505 appellate filing fee, I construe her appeal to also include a request to proceed in forma pauperis on appeal.

Because the judgment was entered in this case on April 17, 2015, plaintiff's 30-day deadline for filing a notice of appeal fell on May 18, 2015. A district court may extend the time to file a notice of appeal if a party moves no later than 30 days after the time prescribed by Rule 4(a) expires and the party shows excusable neglect or good cause. Fed. R. App. P. 4(a)(5)(A). Plaintiff's motion does not meet either of these requirements.

First, plaintiff's notice of appeal was received by the court on August 18, 2017, exactly 2 years and three months after the running of the 30-day deadline for appealing the court's April 17, 2015 judgment closing this case. Second, plaintiff does not explain why she waited so long to appeal.

Because the notice of appeal was received by the court on August 18, 2017, more than two years after entry of judgment, the appeal may be untimely. However, only the Court of Appeals for the Seventh Circuit may determine whether it has jurisdiction to entertain an appeal. Hyche v. Christensen, 170 F.3d 769, 770 (7th Cir. 1999). Therefore, I will consider plaintiff's request for leave to proceed in forma pauperis on appeal.

Fed. R. App. P. 24(a) provides that if a plaintiff has been granted leave to proceed in forma pauperis in this court, she "may proceed on appeal in forma pauperis unless . . . the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled so to proceed." Because plaintiff has identified no grounds for filing her notice of appeal so far past the deadline for doing so, I conclude that her appeal is not taken in good faith and I am denying her request to proceed in forma pauperis.

Because I am certifying that plaintiff's appeal is not taken in good faith, she cannot proceed with her appeal without prepaying the \$505 filing fee unless the court of appeals gives her permission to do so. Under Federal Rule of Appellate Procedure 24, plaintiff has 30 days from the date of this order to ask the court of appeals to review this

court's denial of her request for leave to proceed in forma pauperis on appeal. With her motion, plaintiff must include a copy of this order in addition to the notice of appeal and affidavit she filed previously.

ORDER

IT IS ORDERED that

1. Plaintiff Patricia Williams's motion for an extension of time to appeal is DENIED.

2. Plaintiff's request for leave to proceed in forma pauperis on appeal is DENIED.

Entered this 21st day of August, 2017.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge